



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,740	12/11/2003	Vinod Philip	2003P15291US	8395

7590 06/12/2006

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

10/733,740

Applicant(s)

PHILIP ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 30 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.


To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items): As to Box 1 above, a) the section labeled "Grounds for Rejection to be Reviewed" should be labeled "Grounds of Rejection to be reviewed on Appeal". b) a section labeled "Related Proceedings Appendix" needs to be provided. If there are no such related proceedings, under the title appellant can state "None". As to Box 2 above, in the "Status of Claims" section appellant indicates that claims 1-23, 25 and 26 are rejected and that no other claims stand "canceled". However, in the amendment of 1/24/06, claim 24 was canceled, as is also shown in the Claims Appendix of the Appeal Brief. Therefore, claim 24 should be indicated as canceled. As to Box 5 above, as to the 35 USC 112 rejection, claims 1-4, 6-12, 22, 23, 25 and 26 were rejected, not simply claims 1, 25 and 26 (see page 6 of the Appeal Brief, for example). Furthermore, in the Final Rejection of 2/28/06, paragraphs 12 and 13, 35 USC 103 rejections were made of a) claims 14-15 and 17-19 and b) claims 16 and 20-21. Appellant should note these rejections in the Grounds section and provide arguments against these claims in the Arguments section if appellant is appealing the rejection of claims 1-23 and 25-26 as noted in the Status of Claims section. As to Box 6, appellant has a separate heading labeled "E" as to arguments regarding dependent claims 25 and 26. This should apparently be a subheading of the argument as to the 35 USC 112 rejection as that is the only rejection that applies to these claims .

  
KATHERINE BAREFORD  
PRIMARY EXAMINER